

REMARKS

Status of Claims

The Office Action mailed July 28, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-11 were pending in the application. No claims have been amended, canceled or newly added. Therefore, claims 1-11 are pending in the application and presented for reconsideration.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Applicants sincerely thank the examiner for indicating that claim 11 is allowed and that claims 5, 7, and 8 contain allowable subject matter.

Prior Art Rejections

In the Office Action, claims 1-4, 6, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 6,340,019 to Eshleman et al. (hereafter "Eshleman"). Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eshleman in view of U.S. patent 6,341,595 to Scollard et al. (hereafter "Scollard"). Applicants respectfully traverse these rejections for at least the following reasons.

First, Office Action incorrectly indicates that member 110 of Eshleman is equivalent to the claimed *protector* which surrounds (and protects) the fuel system component as recited in pending independent claim 1. As described in column 3, lines 5-9, and Figs. 3 and 4 of Eshleman, the member 110 acts only as a fuel rail mounting bracket through which fuel rail assembly 140 is mounted to intake manifold 150. Further, as described in column 3, lines 9-25 of Eshleman, isolator washer 160 is placed between the fuel rail mounting bracket 110 and intake manifold mounting boss 120, and isolator sleeve 170 is placed between the fuel rail mounting bracket 110 and screw assembly 130, whereby heat transfer from the intake manifold 150 to the fuel rail assembly 140 is reduced. Thus, the fuel rail mounting bracket 110 of Eshleman acts only as a bracket for mounting the fuel rail assembly 140 to the intake manifold 150. Eshleman does not disclose nor suggest that the fuel rail mounting bracket 110 acts as a *protector* for protecting the fuel rail assembly 140. As clearly shown in Fig. 4 of

Eshleman, the fuel rail mounting bracket 110 extends over only a part of an axial length of the fuel rail assembly 140 (and a very small part at that), and therefore, the fuel rail mounting bracket 110 cannot protect the fuel rail assembly 140.

Second, claim 1 recites that the protector is spaced apart from the fuel system component (that is, the protector and the fuel system component have no portions mutually contacted or connected therebetween). As clearly shown in figure 3, the fuel rail mounting bracket 110 of Eshleman contacts the fuel system component 140 and therefore cannot be spaced apart from it. If the protector and the fuel system component are even partially contacted or connected with each other, a load applied to the protector will be directly exerted on the fuel system component so that the fuel system component cannot be protected from the load and would completely defeat the purpose of the claimed invention.

In this context, the office action seems to be interpreting the claimed “spaced apart” limitation as being satisfied even if the protector and fuel system component contact each other partially. This interpretation is erroneous since it contradicts the ordinary and customary meaning of this term as would be understood by one skilled in the art. The Merriam-Webster online dictionary defines the term “apart” as “*away* from one another in *space* or time...(towns 20 miles apart)” which represents the ordinary and accustomed meaning of this term which would also be understood by one skilled in the art. Therefore, the examiner’s position that components which partially contact each other reads on the claimed “spaced apart” limitation is an “unreasonable” interpretation which does not satisfy even the PTO’s broadest *reasonable* standard that is used for examination purposes.

Therefore, applicants respectfully submit that Eshleman discloses neither the claimed structure nor its advantages. Furthermore, since the deficiencies of Eshleman are not cured by any of the other applied references, the office action fails to make a *prima facie* case of obviousness as required by section 103.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. Applicants note with appreciation the indication of allowable subject matter with respect to the dependent claims 5, 7, and 8.

Conclusion

In view of the foregoing amendments and remarks, applicants believe that the application is now in condition for allowance. An indication of the same is respectfully requested. If there are any questions regarding the application, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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